

# The Honolulu Liquor Commission

## Server-Training

(for Managers, Assistant Managers and Bartenders)

# Study Guide



## **The Honolulu Liquor Commission**

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## **About Us**

### **The Honolulu Liquor Commission**

Our Mission: To promote our community's health, safety, and welfare by efficiently and fairly administering and enforcing Hawaii's liquor laws.

The Honolulu Liquor Commission (HLC), authorized by Chapter 281 of the Hawaii Revised Statutes employs licensing, training, auditing, enforcement and administrative personnel to meet the mission objectives of the agency.

HLC works to keep our communities safer by regulating the sale and service of liquor. HLC offers training to Licensees, Managers, Bartenders and others who serve liquor to provide education on the Liquor Laws of the State of Hawaii and the Rules of the City and County of Honolulu Liquor Commission.

There are five (5) citizen commissioners who set policy for the HLC. They meet weekly to make decisions on liquor licenses and case hearings. Commissioners are appointed by the Mayor and are subject to City Council confirmation.

## **Alcohol Overview**

What is alcohol? Alcohol is a colorless, volatile flammable liquid that is the intoxicating constituent of wine, beer, spirits, and other drinks, and is also used as an industrial solvent as fuel. Liquor contains one-half of one percent or more of alcohol by volume used for beverage purposes.

*The following information regarding alcohol is taken from the National Institute on Alcohol Abuse and Alcoholism. Additional information can be found on [www.niaaa.nih.gov](http://www.niaaa.nih.gov)*

## **Overview of Alcohol Consumption**

Alcohol's effects vary from person to person, depending on a variety of factors, including:

- How much you drink
- How often you drink
- Your age
- Your health status
- Your family history
- Size of a person
- Gender

Drinking alcohol in small amounts may not necessarily be a problem. Drinking alcohol in excess may cause a range of consequences and potential health risks.

## **Consequences of drinking too much**

Alcohol enters your bloodstream as soon as you take your first sip. Alcohol's immediate effects can appear within about 10 minutes. As you drink, you increase your Blood Alcohol Concentration (BAC) level, which is the amount of alcohol present in your bloodstream. A BAC of .08% is considered legal intoxication in the State of Hawaii.

**The higher your BAC, the more impaired you become by alcohol's effects. These effects can include:**

- Reduced inhibitions
- Slurred speech
- Motor impairment
- Confusion
- Memory problems
- Concentration problems
- Coma
- Breathing problems
- Death

**Other risks of drinking can include:**

- Car crashes and other accidents
- Risky behavior
- Violent behavior
- Suicide and homicide

**People who drink too much over a long period of time may experience alcohol's longer-term effects, which can include:**

- Alcohol dependence, addiction
- Health problems
- Increased risk for certain cancers

**How does alcohol affect the human body?**

**Brain:** Alcohol interferes with the brain's communication pathways, and can affect the way the brain (looks and) works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

**Heart:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – Stretching and drooping of heart muscle
- Arrhythmias – Irregular heart beat
- Stroke
- High blood pressure

**Liver:** Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis, or fatty liver
- Alcoholic hepatitis
- Fibrosis and Cirrhosis

**Pancreas:** Alcohol may cause the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

**Cancer:** Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

- Mouth
- Esophagus
- Throat
- Liver
- Breast

**Immune System:** Drinking in excess can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than other people who do not drink heavily. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after being intoxicated.

# Study Guide

## I. Introduction

The Server-Training Study Guide will help prepare you for the required Honolulu Liquor Commission Manager/Assistant Manager and Bartender Server-Training course. It is a requirement for all employees to be familiar with the Liquor Laws of Hawaii and the Rules of the Liquor Commission. This study guide will focus some important laws and rules that may impact you while on the job.

**After reading the provided information, you will gain understanding in the following areas:**

1. Identifying and dealing with intoxicated persons,
2. Reviewing liquor laws and rules, and
3. Dangers of driving while intoxicated

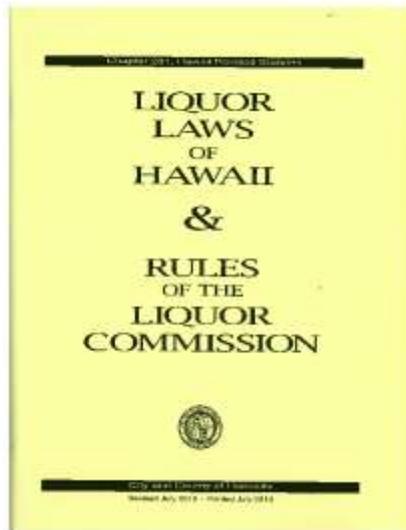
## II. Liquor Laws of Hawaii and Rules of the Liquor Commission (booklet)

- All employees must be familiar with the Liquor Laws of Hawaii and the Rules of the Liquor Commission §3-82-38.1.
- Every licensee (except special licenses, transient vessel per day, and caterer) shall have a current copy of the

statutes relating to intoxicating liquor and the rules of the Commission in English available at all times on the licensed premises. Customers shall be entitled to examine the statutes and rules upon request and employees must know where the booklet is located. §3-82-38.2.

- Chapter 281 of the Hawaii Revised Statutes (HRS) consists of the Hawaii State Liquor Laws identified by **§281**.
- Honolulu Liquor Commission Rules are identified by **§3**.
- Updated HRS and Rule Amendments implemented on Sept. 1, 2014 may be obtained from our website at [www.honolulu.gov/liq](http://www.honolulu.gov/liq)

Throughout this study guide, we will refer to the State Laws from Chapter 281 of the Hawaii Revised Statutes and the Honolulu Liquor Commission Rules. Please refer to the Liquor Laws of Hawaii & Rules of the Liquor Commission (currently, a yellow booklet) for the complete text of the law and/or rule being discussed. The laws and rules are listed numerically in separate sections of the booklet.



The laws and rules are also available on our website at [www.honolulu.gov/liq](http://www.honolulu.gov/liq)

### **III. Registration of Employees**

Anyone applying for their Certificate of Registration (liquor card) must provide the following:

- 1) Valid government issued photo ID (driver's license, state ID, military ID, passport, etc.);
- 2) Proof of Social Security Number (Social Security Card or Original W-2);
- 3) Tuberculosis (TB) clearance report (with a negative reading less than 10 mm);
- 4) Required for Managers and Assistant Managers only - A letter from the employer certifying that the applicant will be or is a manager of the licensed premises.

- If you have previously obtained a Honolulu Liquor Commission Certificate of Registration (liquor card), you may only be required to provide the following:
  - Valid government issued photo ID (driver's license, state ID, military ID, passport, etc.);
  - Manager/Assistant Manager letter certifying that the applicant will be or is a manager of the licensed premises.
- Certificates of Registration (liquor cards) are only valid for the licensed premises for which the employee registers and the license number of the premises. Restaurants, dispensers (bars), hotels, cabarets, and other liquor establishments with multiple locations require separate liquor cards for each licensed premises §3-82-38.5(b).
- Retail Store licensees require only one (1) Certificate of Registration (liquor card) for multiple locations of the same company §3-82-38.9 (c).
- Certificates of Registration (liquor cards) for employees, except for dancers, shall be valid for four (4) years from the date of issue §3-82-38.5(b).

- The Certificate of Registration (liquor card) card shall be retained by each employee and not surrendered to or held by the employer §3-82-38.5(d).
- Licensees shall ensure that all employees who are required to register with the Commission have their Certificate of Registration for the licensed premises readily available for inspection while on duty at that licensed premises §3-82-38.5 (e).

**There are five (5) types of Certificate of Registration cards** (liquor cards). Each identified by color.

- 1) **Blue:** Manager and Assistant Manager
- 2) **Yellow:** Bartender, Bar Backs, Wait Staff, Hostess/Host, Door Person/Bouncer
- 3) **Red:** Minors ages 18-20
- 4) **Green:** Dancer
- 5) **Purple:** Retail

All dispenser, cabaret, hotel, club, brewpub, or condominium hotel licenses shall employ persons in that section of the licensed premises where liquor is sold, served or consumed who are registered with the Commission prior to the start of employment. For restaurant licenses (license numbers that begin with “R”) only managers/assistant managers and bartenders are required to be registered prior to the start of employment.

#### **IV. Managers/Assistant Managers and Bartenders**

- Managers and Bartenders are required to be registered with the Commission prior to working and must successfully complete the server-training program and pass the examination.
- The server-training program is valid for four (4) years §3-82-38.5(f).
- Licensee must have a registered manager in active charge of the licensed premises during the time the establishment is licensed to sell or serve liquor §3-82-38.9(h).
- Certificates of Registration (liquor cards) for employees (except for dancers) shall be valid for four (4) years from the date of issue §3-82-38.5(b).
- Managers and must be at least 21 years of age §3-82-38.9(e).
- Managers may perform any other duties (i.e. bartender, bar back, wait tables, seat customers) except may not be a dancer §3-82-38.6(c).
- Managers may obtain a separate Certificate of Registration (liquor card) for dancer and perform as a dancer when not on duty as a manager.

- Managers of licensed hostess bars are permitted to sit with customers during hours of operation. Registered managers and waitresses in licensed cabarets (Class 11, liquor license hours of 10:00 am to 4:00 am) are not permitted to sit with customers during hours of operation §3-84-78.01(c).
- Managers (like all other employees) may not consume liquor while on duty §3-84-78.01(b).
- Bartenders must be at least 18 years of age and properly supervised §281-78(b)(3).
- In general, bartenders prepare or mix alcoholic drinks, receive payments and are responsible for the cleanliness and orderly condition of the bar area §3-80-1.1 definitions.
- Bartenders may perform all duties (i.e. bar back, wait tables, seat customers) except they may not perform the duties of a manager and/or dancer. §3-82-38.6(c).
- Bartenders may not sit with customers §3-84-78.01(d).
- Bartenders (like all other employees) may not consume liquor while on duty §3-84-78.01(b).
- Retail Managers (managers who work at grocery stores, liquor stores, convenience stores, club type stores, drug stores, etc.) must be registered with the Commission and be at least 21 years of age.

- Retail Managers need not be on the premises at all times but shall be responsible for training and monitoring their assigned stores §3-82-38.9(a)(2).
- Retail Managers shall complete the server-training program and pass the examination prior to being assigned those duties §3-82-38.9(a)(2).
- Retail Managers shall ensure that cashiers are at least 21 years of age. If the cashier is 18-20 years of age, they must be properly supervised § 281-78(b)(3).
- Retail Managers must also ensure no consumption of alcohol by employees or customers is done on the premises §281-78(b)(2).
- Retail Managers Certificates of Registration (liquor cards) allow for multiple premises if ownership has multiple properties §3-82-38.9(a)(2).
- It is the responsibility of the Licensee, Managers and Assistant Managers to ensure all employees are following the Liquor Laws of Hawaii and the Rules of the Liquor Commission.

## V. Licensee/Employee Conduct

- Licensees shall be strictly accountable for the conduct of all employees on the licensed premises.
- An employee is defined as any person who performs a service usually or normally done, on or within a licensed premises, regardless of whether that person is under contract of commission, registered or not registered, compensated or not compensated, and shall be subject to the constraints of these rules and shall be considered an on duty employee of the licensee §3-84-78.01 (a).
- No employee while on duty shall consume liquor §3-84-78.01 (b).
- No employee while on duty shall solicit or accept any food or beverage, alcoholic or otherwise, as a gift from or at the expense of a customer §3-84-78.01 (c).
- Only registered hostesses and managers of licensed hostess bars are permitted to sit with customers during hours of operation.

Registered managers and waitresses in cabarets (Class 11, open 10:00 am – 4:00 am) are not permitted to sit with customers during hours of operation §3-84-78.01 (c).

## **Time Cards**

- Time cards are required for all employees who handle, serve, or sell liquor §3-82-38.4 (a). Time cards must be in English and include the employee's first and last name (no nicknames), must state if he or she is a minor (under 21 years of age), and must include the month, day, year and time while on duty.
- Time record entries shall be made at the time the employee reports on duty and again when the employee goes off duty. If the employee is a minor, the licensee shall print on the time record below the employee's name that said employee is a minor. Employee time records shall be preserved for at least six months §3-82-38.4 (b).
- Electronic or otherwise recorded payroll registration may be used for the purposes of this rule with the Administrator's approval §3-82-38.4(c).

## **Stacking of Drinks §3-84-78.52**

Employees serving liquor should be mindful of not over-serving liquor to customers. Stacking is defined as having more than two standard servings of drinks before a customer at any one time. Standard servings as follows:

- Distilled Spirits - 16 ounces
- Wine - 6 ounces

- Beer - 22 ounces

If the serving is in excess of these amounts, the customer shall be limited to one drink. A **multi-serving container**, not to exceed 60 ounces, may be served to two or more persons. At last call, multiple-serving container service or any drink exceeding a single standard serving shall be prohibited.

### **Obstructing Commission Operations**

- No Licensee shall allow the obstruction, hampering, or interfering with investigations and inspections or Liquor Commission operations in any way, including by not limited to, the sounding of alarms, flashing of lights or use of a public address system or other advance warning announcing the arrival of Commission investigators §3-84-79.1.

### **Practices to Promote Consumption of Liquor, Prohibited.**

- No Licensee of any premises licensed to sell liquor for consumption on the premises shall §3-84-75.51:
  1. Sell, advertise or offer to sell “all the liquor you can drink” for a fixed price.
  2. Encourage or permit any game or contest that involves the consumption of liquor or the awarding of liquor as a prize.

## **VI. Enforcement**

Liquor Commission Investigators visit Licensees to enforce the Liquor Laws of Hawaii and the Rules of the Liquor Commission. Licensees and employees shall not allow the obstruction, hampering, or interfering with investigations and inspections or Liquor Commission operations in any way, including but not limited to, the sounding of alarms, flashing of lights or other to provide advance warning announcing the arrival of Commission investigators §3-84-79.1.

### **Complaint and Summons**

A Complaint and Summons may be issued if any person violates Chapter 281 or any rule or regulation in effect by authority of this chapter, whether in connection therewith a penalty is referred to or not, for which violation no penalty is specifically prescribed, the person shall be imprisoned not more than six months or fined not more than \$1,000, or both §281-102.

# Sample Complaint and Summons

PLEASE PRINT

## COMPLAINT & SUMMONS

### LIQUOR COMMISSION

In the DISTRICT COURT OF THE FIRST CIRCUIT, City and County of Honolulu, State of Hawaii, vs.

11656

Type of ID and Number \_\_\_\_\_

That Name \_\_\_\_\_  
Last

Current Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
& Zip \_\_\_\_\_

| Wt. | Hgt. | Sex | Date of Birth | Age | Complexion |
|-----|------|-----|---------------|-----|------------|
|     |      |     |               |     |            |

Place of Employment or School \_\_\_\_\_

|                      |   |                 |
|----------------------|---|-----------------|
| Serial Number: _____ | (If member of Armed Forces, fill in this section) | Rank: _____     |
| Unit Address: _____  |   | Tel. No.: _____ |

on/or about this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at about \_\_\_\_\_ Hrs.

at (location) \_\_\_\_\_  
did then and there and thereby commit the offense of:

VIOLATION \_\_\_\_\_

HRS SECTION \_\_\_\_\_

LC RULE \_\_\_\_\_

Description of Seized Evidence \_\_\_\_\_

Date of Issue \_\_\_\_\_ Time \_\_\_\_\_ Hrs.

Complainant \_\_\_\_\_ Badge No. \_\_\_\_\_

The undersigned alleges that the person named above committed the offense herein set forth contrary to Law.

Complainant \_\_\_\_\_ ID No. \_\_\_\_\_

Subscribed & Sworn to before me this \_\_\_\_\_

Signed \_\_\_\_\_

#### LIQUOR COMMISSION - CITY & COUNTY OF HONOLULU

|   |                        |
|---|------------------------|
| VIOLATORS COURT APPEARANCE DATE                         |                        |
| DAY OF _____  | 19 _____ AT _____ A.M. |
| YOUR COURT APPEARANCE IS IN THE DISTRICT COURT OF _____ | COURT ROOM NO. _____   |

COURT COPY

11656

## **Notice of Violation**

A Notice of Violation may be issued to a Licensee should they be in violation of a City and County of Honolulu Liquor Commission Rule. The Licensee (owner/representative) must appear at an adjudication hearing before the Liquor Commission where it will be determined if the violation sustained Licensee will pay a reprimand fine, or whether there be a restriction, suspension, or revocation of the liquor license.

# Sample Notice of Violation

## LIQUOR COMMISSION CITY AND COUNTY OF HONOLULU



NOTICE OF VIOLATION(S)

WARNING

LIC. LIC. # \_\_\_\_\_

PREMISES \_\_\_\_\_

ADDRESS \_\_\_\_\_

VIOLATIONS \_\_\_\_\_

SAMPLE  
ONLY

SEC/RULE \_\_\_\_\_

TIME/DATE/DAY \_\_\_\_\_

A Notice of Hearing informing you of the date and time that you are to appear before the Liquor Commission regarding this violation will be served at a later time. (Not applicable to Warnings)

\_\_\_\_\_  
SIGNATURE OF INVESTIGATOR

\_\_\_\_\_  
DATE

RECEIVED BY:  
\_\_\_\_\_

No. 17662

DF-LC-20 (R 2/99)



RECYCLED PAPER

## **VII. Improper Influence**

Any licensee, employee of a licensee or its agent who shall give, pay, or offer directly or indirectly any pecuniary benefit to any Liquor Commission investigator or staff member with the intent to influence the investigator or staff member in the discharge of any duty herein provided for, shall be guilty of a violation §3-84-79.2 (a).

Any licensee, employee of a licensee or its agent who solicits, accepts, or agrees to accept, directly or indirectly, any pecuniary benefit with the intent that such person's judgment, exercise of discretion, or other action as regards to compliance with any liquor law or Rules will thereby be influenced, shall be guilty of a violation §3-84-79.2 (b).

## **VIII. Licensee Requirements**

A licensee shall be authorized to sell or serve alcohol and liquor based upon its class of license during the hours specified as follows §3-82-38.19:

- 1) **Dispenser (Bar), Club, Restaurant, Brewpub, Caterer, Vessel, Transient Vessel, Tour or Cruise Vessel, and Special** - From 6:00am to 2:00am the following day.
- 2) **Cabaret** - From 10:00am to 4:00am the following day.
- 3) **Retail** - From 6:00am to 12 midnight.

- 4) **Manufacturer and Wholesaler** - 24 Hours a day.
- 5) **Hotel** - From 6:00am to 4:00am the following day.
- 6) **Temporary** - The hours of the class of the license for which the license has been submitted.
- 7) **Condominium Hotel** - From 6:00am to 2:00am the following day.

- No sale, service or consumption of liquor on or within the licensed premises shall be provided before or after the hours established by the Commission §3-82-38.20 (a).
- No liquor, whether in a bottle, glass or other container, shall be open and readily consumable within the licensed premises before or after the authorized hours §3-82-38.20 (b).
- A drink shall contain not less than one fluid ounce of liquor unless the customer requests the drink be mixed with a lesser amount of liquor §3-84-73.1.
- It shall be unlawful for any retail licensee (Class 2 or Class 4 through Class 14 license), except a Class 10 licensee, to purchase, acquire, or sell liquor from any person other than a licensed wholesaler §281-31(s).

## IX. Licensee Display Requirements

All licensees must have the following items visibly displayed at the licensed premises.

- 1) Liquor Commission License §281-71
- 2) Liquor price list - menu, table tent, sign §3-82-38.11
- 3) “It is Illegal” – Under 21 laws §3-82-44.1(c)
- 4) “Be Aware” – Penalties of Driving Under the Influence §3-82-44.1(d)

**Liquor Commission**  
*City and County of Honolulu*  
*State of Hawaii*

|                             |  |                             |                              |
|-----------------------------|--|-----------------------------|------------------------------|
| <i>License Number</i> _____ | <i>License Class / Kind / Category</i> _____ | <i>Effective Date</i> _____ | <i>Expiration Date</i> _____ |
|-----------------------------|--|-----------------------------|------------------------------|

Licensee \_\_\_\_\_  
DBA \_\_\_\_\_  
Address \_\_\_\_\_



Pursuant and subject to all of the provisions of Chapter 281, Hawaii Revised Statutes, and any other laws applicable to the business of the licensee named herein, whether now in existence or enacted or amended from time to time, and subject also to all applicable rules and regulations of the Liquor Commission of the City and County of Honolulu and any further conditions or restrictions specifically ordered and imposed by the Liquor Commission of the City and County of Honolulu, as the same may exist or be adopted or changed from time to time, the licensee is hereby authorized to engage in the liquor business of the class, kind and category herein specified at and upon this premises herein designated.

**KEEP LICENSE DISPLAYED PROMINENTLY ON PREMISES MENTIONED ABOVE.**

**Sample 2013 Liquor Commission License**

# **IT IS ILLEGAL:**

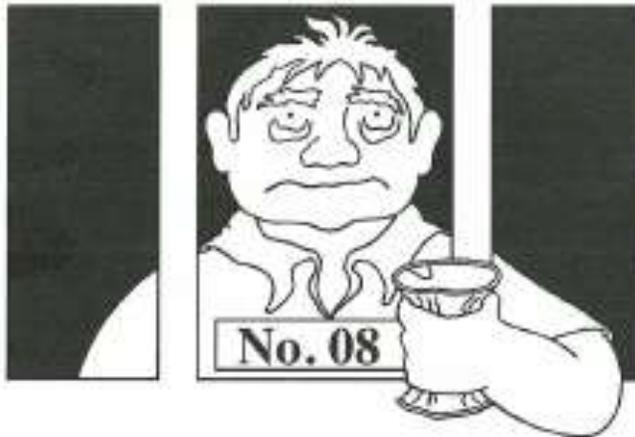
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- **FOR A PERSON UNDER 21 YEARS OLD TO PURCHASE, POSSESS OR CONSUME LIQUOR**
- **TO USE FALSE IDENTIFICATION TO OBTAIN LIQUOR**
- **TO USE ANOTHER PERSON'S IDENTIFICATION TO OBTAIN LIQUOR, OR**
- **TO PURCHASE LIQUOR FOR A PERSON UNDER 21 YEARS OLD**

SECTIONS 281-78 AND 281-101.5, HAWAII REVISED STATUTES  
Honolulu Liquor Commission, Printed: September 2010

**“It is Illegal” – Laws regarding minors under 21**  
Sections 281-78 and 281-101.5, Hawaii Revised Statutes

# BE AWARE



## OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT:

### HRS 291E-61 OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT:

A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle 1) while under the influence of alcohol in an amount sufficient to impair one's normal mental faculties, or ability to care for the person and guard against casualty, or with 0.08 percent or greater of blood alcohol concentration; or 2) while under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner.

**PENALTIES:** A person committing the offense of operating a vehicle under the influence of an intoxicant shall be sentenced, as follows without possibility of probation or suspension of sentence:

#### **FIRST OFFENSE:**

No DUI/OVUII conviction with the past 5 years

- 14 hours minimum substance abuse rehabilitation program
- 1 Year revocation of license and privilege to operate a vehicle, and installation of ignition interlock device on any vehicle operated by person during revocation period
- One or more of the following:
  - \$150 to \$1,000 fine
  - 72 hours of community service
  - 48 hours to 5 days imprisonment
- Substance abuse assessment and possible treatment
- \$100, \$7 Driver Education assessment for OVUII education (HRS 286G-3)
- \$25 Neurotrauma Surcharge
- Surcharge up to \$25 if court so orders, to the trauma system special fund
- \$250 Drug demand reduction assessment (HRS 706-650)
- \$30 Crime victim compensation (HRS 706-606 6(c), 351-62.6(a)(3))

#### **SECOND OFFENSE:**

Within 5 years of a prior DUI/OVUII conviction

- 18 months to 2 years revocation of license and privilege to operate a vehicle, and installation of ignition interlock device on any vehicle operated by the person during revocation period
- Either of the following:
  - Not less than 240 hours of community service; or
  - 5 days to 30 days imprisonment, of which 48 hours shall be served consecutively
- \$500 to \$1,500 fine
- Substance abuse assessment and possible treatment
- \$100, \$7 Driver Education assessment for OVUII education (HRS 286G-3)
- \$25 Neurotrauma Surcharge
- Surcharge up to \$50 if court so orders, to the trauma system special fund
- \$250 Drug demand reduction assessment (HRS 706-650)
- \$30 Crime victim compensation (HRS 706-605 6(c), 351-62.6(a)(3))

#### **THIRD OFFENSE:**

Within 5 years of 2 prior DUI/OVUII convictions

- 2 year revocation of license and privilege to operate a vehicle, and installation of ignition interlock device on any vehicle operated by person during revocation period
- 10 days to 30 days imprisonment of which at least 48 hours shall be served consecutively
- \$500 to \$2,500 fine
- Substance abuse assessment and possible treatment
- \$100, \$7 Driver Education assessment for OVUII education (HRS 286G-3)
- \$25 Neurotrauma Surcharge
- Surcharge up to \$50 if court so orders, to the trauma system special fund
- \$250 Drug demand reduction assessment (HRS 706-650)
- \$30 Crime victim compensation (HRS 706-605 6(c), 351-62.6(a)(3))

#### **IN ADDITION TO 1<sup>ST</sup>, 2<sup>ND</sup>, 3<sup>RD</sup> OFFENSE PENALTIES:**

Any person 18 years of age or older who is convicted under this section and who operated a vehicle with a passenger who was younger than 15 years of age shall be sentenced to an additional mandatory fine of \$500 and an additional mandatory term of imprisonment of 48 hours. Total term of imprisonment not to exceed maximum term as provided. HRS 291E-61(b)(4) There will be no requirement to install an Ignition Interlock device if the requirement has been previously imposed pursuant to part III of the chapter (by the Administrative Driver's License Revocation office); provided that, if the requirement is subsequently reversed, a requirement for the installation of an ignition interlock device shall be imposed as provided in this section. HRS 291E-61(g)(3)

HRS 286G-3 \$100 is assessed for each DUI/OVUII conviction and \$7 is assessed for each violation to be used for driver education and training programs administered by the Judiciary.

**EFFECTIVE JANUARY 1, 2011** • This information has been condensed. Refer to Hawaii Revised Statutes for the laws in its entirety.

**KNOW AND OBEY** For more information call: DIVISION OF DRIVER EDUCATION: O'AHU: 534-6400 • MAUI: 442-3575 • HILO: 961-7544 • KONA: 443-2275 • KAUA'I: 482-2383

Revised 08/11

DE-P-106

## “Be Aware” – Penalties for Driving Under the Influence

## **X. Dangers of Driving While Intoxicated**

Driving under the influence (DUI) is against the law and no person(s) should be driving a vehicle or operating heavy machinery while intoxicated.

Alcohol impairs normal function and affects people's vision, coordination, judgment, reaction time and reflexes. These impairments make it difficult for anyone to drive safely.

The person driving while intoxicated may cause a serious accident and statistics show many DUI related accidents can be fatal.

Help keep your customers safe, the roads safe and our community safe. Don't over-serve your customers, observe them and obey the Laws and Rules of selling and serving liquor.

### **Four (4) types of people you cannot sell or serve liquor to.**

- 1) Minor (under age 21)
- 2) Under the Influence
- 3) Addicted to Alcohol
- 4) Purchasing for a Minor

Be aware that your customers may have been consuming liquor prior to entering your establishment.

Customers under the influence may not enter or remain on your premises even if they stop drinking liquor §281-78 (b)(5).

You may not sell, serve, furnish liquor, or allow consumption of any liquor by anyone under the influence of liquor §281-78 (b)(1)(B).

## **XI. Identifying and Dealing with Intoxicated Persons**

Some common signs of intoxication include:

- 1) Red flushed face, blood shot eyes
- 2) Vomiting
- 3) Talking loudly, being disorderly
- 4) Slurred or slowed speech
- 5) Uncoordinated
- 6) Sudden mood changes
- 7) Staggering, swaying, has difficulty walking
- 8) Sleepy

Employees should be familiar with the signs of intoxication and know what action(s) to take when dealing with an intoxicated person.

Here are three (3) examples of customers under the influence who require proper attention. How would you assist these people?

- 1) Customer has slurred speech, seems uncoordinated, and appears sleepy with bloodshot eyes.
- 2) Customer is belligerent, disorderly and starts a fight.
- 3) Customer is found in the restroom disoriented, vomiting and unresponsive.

**What would you do and who would you call under these circumstances?**

We encourage employers to establish policies and procedures to better prepare themselves to assist customers who may be intoxicated. Employees should be trained on how to handle the example situations mentioned and should be familiar with providing documentation and completing an incident report.

## Addendum to Server Training Study Guide

Laws and Rules as discussed in server training  
(for Managers & Bartenders)

*Cited from the Liquor Laws of Hawaii & Rules of the Liquor Commission booklet*

### Chapter 281, Hawaii Revised Statutes (HRS)

#### State Liquor Laws

**§281-1 Definitions.** Whenever used in this chapter, unless otherwise apparent from the context:

- **“Addicted to the excessive use of intoxicating liquor”** refers to one who has acquired the habit of using intoxicating liquor excessively to deprive oneself of reasonable self-control, a common drunkard, or a habitual drunkard.
- **“Alcohol”** means the product of distillation of any fermented liquid, whether rectified or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not denatured or other alcohol which is considered nonpotable under the customs laws of the United States.
- **“Licensee”** includes also all agents, servants, and employees of the holder of a license.

- **"Premises" or "licensed premises"** means the building and property that houses the establishment for which a license has been or is proposed to be issued; provided that in the case of class 12 hotel license, "premises" includes the hotel premises; provided further that in the case of a class 15 condominium hotel license, "premises" includes units, as defined in section 514B-3, that are used to provide transient lodging for periods of less than thirty days under a written contract with the owner or owners of each unit in, and common elements for access purposes as established by the declaration of condominium property regime of, the condominium hotel; and provided further that if an establishment is in a retail shopping complex the businesses of which have formed a merchants association, "premises" means the establishment. As used in this definition, "establishment" means a single physical location where the selling of liquor takes place.

### **§281-31 Licenses, classes.**

(a) Licenses may be granted by the liquor commission as provided in this section.

(b) **Class 1. Manufacturers' licenses.** A license for the manufacture of liquor shall authorize the licensee to:

- (1) Manufacture the liquor therein specified;
- (2) Sell it in original packages to any wholesaler who holds a license to resell it; and
- (3) Sell beer, wine, or other specified liquor manufactured or distilled on the licensee's premises from fruits or other products grown in the State, in any quantity:
  - (A) At wholesale in original packages to any person who holds a license to resell it; and
  - (B) To any person for private use and consumption.

Under this license, no liquor shall be consumed on the premises except as authorized by the commission. Of this class, there shall be the following kinds:

- (1) Beer;
- (2) Wine;
- (3) Alcohol; and
- (4) Other specified liquor.

It shall be unlawful for any holder of a manufacturer's license to have any interest whatsoever in the license or licensed premises of any other licensee. This subsection shall not prevent the holder of a manufacturer's license under this chapter or under the law of another jurisdiction from

maintaining any interest in the license or licensed premises of a wholesale dealer licensee under this chapter.

**(c) Class 2. Restaurant licenses.**

(1) A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant. A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories of establishment shall be as follows:

(A) A standard bar; or

(B) A premises in which live entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules.

(2) If a licensee under class 2 desires to change the category of establishment the licensee owns or operates, the licensee shall apply for a new license

applicable to the category of the licensee's establishment.

(3) Of this class, there shall be the following kinds:

(A) General (includes all liquor except alcohol);

(B) Beer and wine; and

(C) Beer.

Notwithstanding section 281-57, the commission may approve at one public hearing and without notice the change to a class 2 restaurant license of a licensee holding a class 5 dispenser license who meets the requirements of a class 2 license.

(d) **Class 3. Wholesale dealers' licenses.** A license for the sale of liquor at wholesale shall authorize the licensee to import and sell only to licensees or to others who are by law authorized to resell the liquor specified by the license but are not by law required to hold a license; provided that a class 3 licensee may sell samples of liquor back to the manufacturer. Under a class 3 license, no liquor shall be consumed on the premises except as authorized by the commission. Of this class, there shall be the following kinds:

(1) General (includes all liquor except alcohol);

(2) Beer and wine; and

(3) Alcohol.

If any wholesale dealer solicits or takes any orders in any county other than that where the dealer's place of business is located, the orders may be filled only by shipment direct from the county in which the wholesale dealer has the dealer's license. Nothing in this subsection shall prevent a wholesaler from selling liquor to post exchanges, ships' service stores, army or navy officers' clubs, or similar organizations located on army or navy reservations, or to any vessel other than vessels performing a regular water transportation service between any two or more ports in the state, or to aviation companies who operate an aerial transportation enterprise subject to chapter 269 and engaged in regular flight passenger services between any two or more airports in the state for use on aircraft, or aviation companies engaged in transpacific flight operations for use on aircraft outside the jurisdiction of the State.

(e) **Class 4. Retail dealers' licenses.** A license to sell liquor at retail or to class 10 licensees shall authorize the licensee to sell the liquor therein specified in their original packages. Under a class 4 license, no liquor shall be consumed on the premises except as authorized by the commission. Of this class, there shall be the following kinds:

- (1) General (includes all liquor except alcohol);
- (2) Beer and wine; and

(3) Alcohol.

(f) **Class 5. Dispensers' licenses.**

(1) A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises. A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories of establishments shall be as follows:

(A) A standard bar;

(B) A premise in which a person performs or entertains unclothed or in attire restricted to use by entertainers pursuant to commission rules;

(C) A premise in which live entertainment or recorded music is provided; provided that facilities for dancing by the patrons may be permitted as provided by commission rules; or

(D) A premise in which employees or entertainers are compensated to sit with patrons, regardless of whether the employees or entertainers are consuming nonalcoholic beverages while in the company of the patrons pursuant to commission rules.

(2) If a licensee under class 5 desires to change the category of establishment the licensee owns or operates, the licensee shall apply for a new license applicable to the category of the licensee's establishment.

(3) Of this class, there shall be the following kinds:

(A) General (includes all liquor except alcohol);

(B) Beer and wine; and

(C) Beer.

(g) **Class 6. Club licenses.** A club license shall be general only but shall exclude alcohol and shall authorize the licensee to sell liquor to members of the club and to guests of the club enjoying the privileges of membership for consumption only on the premises kept and operated by the club; provided that the license shall also authorize any club member to keep in the member's private locker on the premises a reasonable quantity of liquor owned by the member for the member's own personal use and not to be sold that may be consumed only on the premises. A club licensee shall be authorized to host charitable functions that are open to the general public only pursuant to commission rules.

The categories of establishment shall be as follows:

(1) A standard bar; or

- (2) Premises in which live entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules.

**§281-71 Posting of license.** Every license issued and in effect under this chapter shall at all times be conspicuously posted and exposed to view, convenient for inspection, on the licensed premises. For failure thereof the license may be suspended or revoked by the liquor commission or liquor control adjudication board.

**§281-78 Prohibitions.**

**(a) No person shall consume any liquor on any:**

- (1) Public highway, except as permitted in section 291-3.4;
- (2) Public sidewalk, including any sidewalk within a public housing project as defined in section 356D-1 or 356D-91;  
or
- (3) Common area of a public housing project as defined in section 356D-1 or 356D-91. For purposes of this paragraph, “common area” means roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, parking areas, storage

spaces, and other parts of the project normally in common use or other areas designated by the Hawaii public housing authority.

**(b) At no time under any circumstances shall any licensee or its employee:**

(1) Sell, serve, or furnish any liquor to, or allow the consumption of any liquor by:

(A) Any minor;

(B) Any person at the time under the influence of liquor;

(C) Any person known to the licensee to be addicted to the excessive use of intoxicating liquor; or

(D) Any person for consumption in any vehicle that is licensed to travel on public highways; provided that the consumption or sale of liquor to a minor shall not be deemed to be a violation of this subsection if, in making the sale or allowing the consumption of any liquor by a minor, the licensee was misled by the appearance of the minor and the attending circumstances into honestly believing that the minor was of legal age and the licensee acted in good faith; and provided further that it shall be

incumbent upon the licensee to prove that the licensee so acted in good faith;

(2) Permit any liquor to be consumed on the premises of the licensee or on any premises connected therewith, whether there purchased or not, except as permitted by the terms of its license;

(3) Permit any liquor to be sold or served by any person eighteen to twenty years of age except in licensed establishments where selling or serving the intoxicating liquor is part of the minor's employment, and where there is proper supervision of these minor employees to ensure that the minors shall not consume the intoxicating liquor;

(4) Permit any liquor to be sold or served by any person below the age of eighteen years upon any licensed premises, except in individually specified licensed establishments found to be otherwise suitable by the liquor commission in which an approved program of job training and employment for dining room waiters and waitresses is being conducted in cooperation with the University of Hawaii, the state community college system, or a federally sponsored personnel development

and training program, under arrangements that ensure proper control and supervision of employees;

(5) Knowingly permit any person under the influence of liquor or disorderly person to be or remain in or on the licensed premises;

(6) Fail to timely prevent or suppress any violent, quarrelsome, disorderly, lewd, immoral, or unlawful conduct of any person on the premises;

(7) Sell any draught beer unless upon the faucet, spigot, or outlet wherefrom the beer is drawn there is attached a clear and legible notice, placard, or marker which in the English language indicates and declares the name or brand adopted by the manufacturer of the draught beer, so situated as to be clearly legible for a distance of at least ten feet from the spigot, faucet, or outlet, to a purchaser with normal vision;

(8) Receive from a person, as payment or as a consideration for liquor, any personal or household goods, including clothing and food, or any implements of trade. Any person violating this paragraph shall be guilty

of a misdemeanor and upon conviction shall be punished as provided in section 281-102.

**§281-78.5 Practices to promote excessive consumption of liquor; prohibited.**

(a) No person licensed to sell liquor for consumption on the premises shall engage in practices which promote excessive consumption of liquor.

(b) The liquor commission shall adopt rules pursuant to Chapter 91 to prohibit specific liquor promotion practices which promote excessive consumption of liquor.

(c) Any person who violates this section or any rule adopted by the commission pursuant to this chapter shall be guilty of a violation for each separate offense. Each date of violation shall constitute a separate offense.

**§281-101.5 Prohibitions involving minors; penalty.**

(a) Any adult who provides or purchases liquor for consumption or use by a person under twenty-one years of age shall be guilty of the offense under section 712-1250.5.

(b) No minor shall consume or purchase liquor and no minor shall consume or have liquor in the minor's possession or custody in any public place, public gathering, or public amusement, at any public beach or public park, or in any motor vehicle on a public highway; provided that notwithstanding any other law to the contrary, this subsection shall not apply to:

(1) Possession or custody of liquor by a minor in the course of delivery, pursuant to the direction of the minor's employer lawfully engaged in business necessitating the delivery;

(2) Possession, custody, or consumption of liquor by a minor in connection with the minor's authorized participation in religious ceremonies requiring such possession, custody, or consumption; or

(3) Any person between the ages of eighteen and twenty, who is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of health to determine the level of incidence of liquor sales to minors.

(c) No minor shall falsify any identification or use any false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to

buy liquor or for the purpose of obtaining employment to sell or serve liquor on licensed premises.

(d) Any person under age eighteen who violates this section shall be subject to the jurisdiction of the family court. Any person age eighteen to twenty-one who violates subsection (b) or (c) shall be guilty of a petty misdemeanor. The court shall order that any person under twenty-one years of age found to be in violation of this section shall have, in addition to any other disposition or sentencing provision permitted by law, the person's license to operate a motor vehicle, or the person's ability to obtain a license to operate a motor vehicle, suspended as follows:

(1) For licensed drivers, the driver's license shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving to and from school, school-sponsored activities, and employment;

(2) For persons with a provisional license, the provisional license shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving

**§281-102 Other offenses; penalty.** If any person violates this chapter or any rule or regulation in effect by authority of this

chapter, whether in connection there with a penalty is referred to or not, for which violation no penalty is specifically prescribed, the person shall be imprisoned not more than six months or fined not more than \$1,000, or both.

## **Rules of the Liquor Commission**

### **§3-80-1. DEFINITIONS.**

#### **§3-80-1.1. Definitions.**

- **“Bartender”** means a person who prepares or mixes alcoholic drinks in accordance with established recipes and procedures, collects and receives payment for drinks served as all or part of his duties, and is responsible for the cleanliness and orderly condition of the bar area. This excludes people who only open or pour draught or bottled beer or wine. This also excludes a customer who brings into the premises, purchases from the licensee, or obtains from the licensee wine or distilled spirits in its original container, or a pitcher of beer, and pours wine or distilled spirits from the original container, or beer from a pitcher, to create an unmixed serving of liquor for himself or others who sit at the pourer’s table and consume the serving of liquor at the pourer’s table.

- **“Host or Hostess”** means a person who is either compensated or not compensated and allowed to sit with patrons, whether or not the individual, employee or entertainer is consuming nonalcoholic beverages while in the company of the patrons. As stated in Sec. 281-31 HRS the host or hostess shall only be allowed to be employed or utilized under a class 5 dispenser, category 4 license. Under a class 2 license, or class 12-14 licenses, a host or hostess shall be described as the person who meets, greets, or seats the customer.
- **“Manager”** means the designated person duly registered with the Commission as a manager or assistant manager who is in active charge of the licensed premises during the time the establishment is licensed to sell or serve liquor.

### **§3-82-38.1. Familiarity with Liquor Laws and Rules.**

Licensees and their employees shall familiarize themselves with the liquor laws and the rules of the Commission.

### **§3-82-38.2. Copy of Liquor Laws and Rules on Licensed Premises.**

Every licensee (except special licensees, transient vessel per day, and caterer) shall have a current copy of the statutes

relating to intoxicating liquor and the rules of the Commission in English available at all times on the licensed premises. Customers shall be entitled to examine the statutes and rules upon request.

### **§3-82-38.5. Registration of Employees.**

- (a) All dispenser, cabaret, hotel, club, brewpub, or condominium hotel licensees shall employ only persons in that section of the licensed premises where liquor is sold, served or consumed who are registered with the Commission prior to the start of employment.

For restaurant licensees, only managers and bartenders are required to be registered prior to the start of employment.

Licensees shall ensure that any bartender currently employed in these classes of licenses successfully completes the server-training program within ninety (90) days of the publication of these rules.

A temporary registration is allowed for each employee who has an unexpired certificate of registration.

This temporary registration shall not exceed three (3) consecutive days, and will only become effective if the

licensee timely advised the Commission by facsimile time stamp of the temporary employment.

Further, the employee temporarily registered with the Commission must permanently register not later than the first working day after the temporary registration expires.

An employee need not obtain a new certificate of registration because of a name change only. This rule shall apply to the registration of employees under a temporary license based upon a new license application as stated in §3-82-32.1.

However, this rule shall not apply to employees under a temporary license based upon a transfer license application where the employee is registered under the pre-existing license.

- (b) Certificates of registration issued by the Commission shall be valid only for the licensed premises for which the employee registers and the license number of the premises shall be printed on the certificate of registration.

Employees may be employed to work at more than one licensed premises; however, a separate certificate of registration shall be required for each licensed premises.

Certificates of registration for employees, except for dancers, shall be valid for four (4) years from the date of issue.

- (c) Persons who apply to the Commission for registration shall present:
  - (1) Positive identification in the form of either a passport, a laminated driver's license with photograph, or other laminated government identification with a photograph;
  - (2) Proof of a Social Security number;
  - (3) A current satisfactory tuberculosis (TB) clearance report.
- (d) Each person registered shall be photographed and issued a certificate of registration which shall be valid until the expiration date indicated thereon or when recalled, suspended, or revoked by the Commission. The certificate of registration shall be retained by each employee and not surrendered to or held by the employer. A processing fee shall be charged for each certificate of registration issued to cover the cost of materials and processing.
- (e) Licensees shall ensure that all employees who are required to register with the Commission have their certificate of

registration for the licensed premises readily available for inspection while on duty at that licensed premises.

- (f) All dispenser, cabaret, restaurant, tour or cruise vessel, annually licensed transient vessel, hotel, club, brewpub, or condominium hotel licensees shall employ only bartenders who have successfully completed the server-training program administered by the Commission, including an examination and instruction in the following areas:
- (1) Identifying and dealing with intoxicated persons,
  - (2) Reviewing liquor laws and rules, and
  - (3) Dangers of driving while intoxicated.

In these classes, the licensees shall ensure that individuals currently employed as a bartender successfully complete the server-training program within ninety (90) days of publication of these rules. A person may be issued a certificate of registration as a bartender for the same or another licensed premises and need not retake the server-training program if that person had successfully completed the server-training program within the past four (4) years.

- (g) If an employee has been issued a manager's certificate of registration for a particular licensed premises, the employee with the manager's certificate need not be issued a separate

employee's certificate of registration of another category, except dancers, for the same licensed premises.

- (h) Entertainers are not required to be registered as employees pursuant to this rule.
- (i) The licensee shall ensure that any employee who performs duties of a hostess, as defined in §3-80-1.1, in a class 5 Dispenser, Category 4 licensed premises, is duly registered as a hostess with the Liquor Commission. Licensed premises not authorized Category 4 (hostess) shall not have employees registered or performing duties as hostesses, except as defined in §3-80-1.1.
- (j) For hotel and condominium hotel licensees, only managers, bartenders and staff who handle, serve or sell liquor are required to be registered as employees pursuant to this rule.

**§3-82-38.9. Licensee and Manager in Charge of Premises.**

- (a) Each dispenser, cabaret, tour or cruise vessel, annually licensed transient vessel, restaurant, club, hotel, caterer, brewpub, and condominium hotel licensee shall have a duly registered manager in active charge of the licensed premises during the time the establishment is licensed to sell or serve liquor.

(1) Managers on catered premises shall be registered with the hotel, restaurant, or condominium hotel licensee performing the catering.

(2) Retail (class 4) licensees shall have a duly registered manager or assistant manager assigned to each licensed premises (or group of premises if ownership has multiple properties) to insure employees are knowledgeable in applicable Commission laws and rules. It is not required that these managers be present at all times but shall assume responsibility for training and monitoring their assigned stores. These managers shall complete the server-training program and pass the examination prior to being assigned those duties or within one hundred eighty (180) days after publication of these rules, if currently performing those duties.

(b) A person shall successfully complete the server-training program and pass the examination administered by the Commission before that person can be registered with the Commission as a manager or permitted to renew the manager's certificate of registration. However, a person may be issued a manager's certificate of registration for the same or another licensed premises and need not retake the server-

training program and pass the examination if that person had successfully completed the server training program within the past four (4) years.

- (c) Certificates of registration issued by the Commission shall be valid only for the licensed premises in which the manager is registered. A person may be employed to work as a manager at more than one licensed premises, however, that person shall have a manager's certificate of registration for each licensed premises. Retail licensees shall be exempt from the "one certificate-one premises" limitation.
- (d) Certificates of registration for managers shall be valid for four (4) years from the date of issue. Any person registered as a manager for a licensed premises may also perform any other duties at the same premises, except for performing as a dancer, which does require a separate registration, or sit with customers in the case of a cabaret. Managers of licensed cabarets are not permitted to sit with customers during hours of operation.
- (e) Persons who apply to the Commission for registration as a manager for a particular premises shall present:

- (1) Positive identification in the form of either a passport, a laminated driver's license with photograph, or other laminated government identification with photograph;
  - (2) Proof of a Social Security number;
  - (3) Proof that the applicant is at least twenty-one (21) years of age;
  - (4) A letter from the licensee certifying that the applicant will be or is a manager of the licensed premises;
  - (5) A current satisfactory tuberculosis (TB) clearance report.
- (f) Each person registering as a manager shall be photographed and issued a certificate of registration which shall be valid for use only at the designated licensed premises until the expiration date or until recalled, suspended or revoked by the Commission. The certificate of registration shall be retained by each manager and not surrendered to or be held by the employer. A processing fee shall be charged for each certificate of registration issued to cover the cost of materials and processing.

- (g) Licensees shall ensure that all managers who are required to register with the Commission shall have the manager's certificate of registration for the licensed premise readily available for inspection while on duty at that premises.
- (h) All retail, dispenser, cabaret, tour or cruise vessel, restaurant, club, hotel, brewpub, and condominium hotel licensees shall ensure that responsible managers have successfully completed the server-training program administered by the Commission, including passing an examination and instruction in the following areas:
  - (1) Identifying and dealing with intoxicated persons,**
  - (2) Reviewing liquor laws and rules, and**
  - (3) Dangers of driving while intoxicated.**

**§3-82-38.11. Price List to be Posted.**

- (a) Current prices of all liquor and any other services shall, at all times, be posted and exposed to view of patrons within the interior of the licensed premises authorized to sell liquor for consumption on the premises. For the purpose of this rule, legible signs, menus or table tents are acceptable. If there is a price range for certain types of liquor, the licensee shall post the minimum price and the maximum price of the liquor.
- (b) All price lists and menus displayed pursuant to subparagraph (a) of this rule shall state whether or not a service charge is

included in the total amount charged to the customer and the amount of said charge, if any.

- (c) All price lists and menus displayed pursuant to subparagraph (a) of this rule shall state whether any tax is added to the total amount charged to the customer for liquor, other beverages and/or services provided.

### **§3-82-44. ADVERTISEMENTS AND SIGNS UPON LICENSED PREMISES.**

#### **§3-82-44.1. Advertisements and Signs.**

(a) No licensee shall permit lewd or obscene advertising matter to be distributed or displayed in connection with the exercise of its license.

(b) Any exterior signs which contain liquor advertising, either in whole or in part, shall conform to the sign regulations of the Land Use Ordinance and this rule and have prior approval of the City Department of Planning and Permitting.

- (c) All licensees shall post a sign on the licensed premises stating:  
**“IT IS ILLEGAL:**
  - ◆ FOR A PERSON UNDER 21 YEARS OLD TO PURCHASE, POSSESS, OR CONSUME LIQUOR
  - ◆ TO USE FALSE IDENTIFICATION TO OBTAIN LIQUOR

- ◆ TO USE ANOTHER PERSON’S IDENTIFICATION TO OBTAIN LIQUOR, OR
- ◆ TO PURCHASE LIQUOR FOR A PERSON UNDER 21 YEARS OLD Sections 281-78 & 101.5, Hawaii Revised Statutes.”

The sign shall be clearly legible from a distance of ten feet to a person with normal vision and shall contain this exact wording.

- (d) All licensees shall display in and around the premises signs notifying all customers of the **penalties of driving under the influence** of intoxicating liquor under Section 291-4, HRS. These signs are available from the Commission at no charge.

### **§3-84-73. QUALITY OF LIQUOR; PENALTY.**

#### **§3-84-73.1. Liquor Content of Drinks.**

- (a) A drink containing one or more kinds of liquor and any non-alcoholic mixture which is served, sold, offered for sale, or prepared for such purpose by a licensee authorized to sell liquor for consumption on the licensed premises, shall contain not less than one fluid ounce or thirty milliliters of liquor unless the customer requests the drink be mixed with a lesser amount of liquor.
- (b) When liquor is poured into a glass or container by the licensee or an employee, the drink shall be presumed to have

been prepared for service or sale, notwithstanding the fact that the non-alcoholic mixture has not been added. This subsection shall not apply to a drink served as a straight drink with or without a “chaser.”

- (c) A straight drink shall contain not less than one fluid ounce or thirty milliliters of liquor unless the customer requests a lesser amount of liquor.

### **§3-84-78. PROHIBITIONS.**

#### **§3-84-78.01. Conduct of Employees.**

- (a) Licensees shall be strictly accountable for the conduct of all employees on the licensed premises.

Any person who performs a service usually or normally done, on or within a licensed premises, regardless of whether that person is under contract or commission, registered or not registered, compensated or not compensated, shall be subject to the constraints of these rules and shall be considered an on duty employee of the licensee.

This rule does not apply to vendors, tradesmen, or maintenance people who, in the normal course of their duties, service the licensed premises.

For purposes of this rule, an entertainer shall be deemed to be an employee of the licensee during the time the entertainer is performing or while the entertainer is on the platform or stage or in any other area set aside for the performance.

- (b) No employee while on duty shall consume liquor.
- (c) No employee while on duty shall solicit or accept any food or beverage, alcoholic or otherwise, as a gift from or at the expense of a customer.
- (d) Only registered hostesses and managers of licensed hostess bars are permitted to sit with customers during hours of operation. Registered managers and waitresses in licensed cabarets are not permitted to sit with customers during hours of operations.

**§3-84-79. ENTRY FOR EXAMINATION; PENALTY.**

**§3-84-79.1. Obstructing Commission Operations.**

No licensee shall allow the obstruction, hampering, or interfering with investigations and inspections or Liquor Commission operations in any way, including but not limited to, the sounding of alarms, flashing of lights or use of a public

address system or other advance warning announcing the arrival of Commission investigators.

**§3-84-79.2. Improper Influence.**

- (a) Any licensee, employee of a licensee or its agent who shall give, pay, or offer, directly or indirectly, any pecuniary benefit to any Liquor Commission investigator or staff member, with the intent to influence the investigator or staff member in the discharge of any duty herein provided for, shall be guilty of a violation.
- (b) Any licensee, employee of a licensee or its agent who solicits, accepts, or agrees to accept, directly or indirectly, any pecuniary benefit with the intent that such person's judgment, exercise of discretion, or other action as regards to compliance with any liquor law or Rules will thereby be influenced, shall be guilty of a violation.

**§3-86-101.5. PROHIBITIONS INVOLVING MINORS; PENALTY.**

**§3-86-101.51. Sale or Service of Liquor to Minors, Prohibited.**

- (a) The sale or service of liquor to a minor or the consumption of liquor by a minor on any licensed or unlicensed premises, any off-premises catered event, or any other premises authorized by the Commission is prohibited. Licensees are responsible for the proper checking of personal identification of any

person wishing to purchase liquor, prior to the selling or serving of liquor.

- (b) Documents used for identification shall be an official state driver's license, a military identification card, other official government identification containing a photograph, or other form of identification document approved by the Commission. Such documents shall be unaltered, undamaged and laminated. At a minimum, non-government identification approved by the Commission shall bear the name of the issuing entity, date of issuance, expiration date or date of departure from the State of Hawaii, date of birth, a photograph, signature, and a statement that the identification is valid only in the County of Honolulu. All documents should be examined carefully. School identification cards, expired documents of any kind, cards with such phrases as "information provided by applicant" or the like, identification cards issued for the purpose of check cashing or other identification cards not issued by a government agency are unacceptable, unless approved by the Commission.